

## Human Rights Defenders for Free Elections

### Elections to the House of Representatives of the National Assembly of the Republic of Belarus of the Sixth Convocation

#### Analytical weekly report on the results of observation

June 7-12, 2016

Election observation is carried out by activists of the Belarusian Helsinki Committee and the Human Rights Center "Viasna" within the campaign ["Human Rights Defenders For Free Elections"](#)

#### CONCLUSIONS

- the 2016 parliamentary elections started against the background of a difficult geopolitical situation in the world and Europe, primarily in connection with the Russian-Ukrainian conflict;
- the elections are accompanied by adverse trends in the social and economic development of Belarus;
- the campaign has a more favorable domestic political background as compared to last year's presidential election;
- the Belarusian authorities have not abandoned the repressive practices against opponents of the regime: peaceful protesters are still subjected to administrative responsibility, political parties and public associations are still denied official registration, other civil and political rights of citizens are restricted;
- the Belarusian authorities have not taken any measures aimed at systemic and qualitative changes in the field of human rights, especially at the legislative level;
- in preparation for the elections, the Belarusian authorities only took into account a few recommendations made by the OSCE ODIHR and the campaign "Human Rights Defenders for Free Elections" following the observation of the previous campaign.

#### LEGAL FRAMEWORK

The legal framework of the Belarusian electoral system is made up of the Constitution, the Electoral Code and other legislative acts, as well as decisions of the Central Election Commission (CEC).

The 2016 parliamentary elections were preceded by several amendments to the Electoral Code. The latest amendment of 4 June 2015 prohibits foreign funding of the electoral process.

Earlier, Act No. 72-Z of 25 November 2013 reformed the Electoral Code, affecting the procedure for state funding of the elections, introducing accreditation of observers, providing for the creation of regional (and Minsk city) election commissions, which, inter alia, were charged with supervising the activities of district and precinct election commissions, considering appeals against their decisions and announcing the results of elections in each region and in the city of Minsk. It also allows political parties that nominated their candidates for Parliament to delegate their representatives in an advisory capacity. The Act prohibits campaigning for a boycott of the elections under the threat of administrative responsibility. The Electoral Code now contains a list of grounds for the revocation of a candidate's registration. Unlike previous elections, this year's vote will be held in one round. Under the rules, the candidate with the most votes wins.

These changes, unfortunately, failed to take into account OSCE recommendations made on the basis of the observation of the 2012 parliamentary elections. Moreover, some new rules of the Electoral Code further worsened the situation in a number of aspects as compared to earlier standards.

On 4 January 2014, Belarus acceded to the CIS's Convention on Standards for Democratic Elections, Electoral Rights and Freedoms, which was signed on 7 October 2002 in Chisinau.

The new rules banning campaigning for a boycott of the elections clearly contradict the CIS Convention, which stipulates that a boycott or calls to boycott elections are means of free exercising electoral rights and freedoms; any obstacles to exercising these rights should be prosecuted.

## **POLITICAL TRENDS**

The elections take place in a difficult geopolitical situation, which is primarily due to the Russian-Ukrainian conflict, and also because of the protracted economic crisis, a drop in incomes and mounting unemployment in the country.

The past ten months were marked by certain improvement in relations between Belarus, the EU and the United States. All the Belarusian political prisoners were released in August 2015, which was primarily due to the EU's decision to freeze and later lifting of sanctions against Belarus.

Since August 2015, there has been a general decrease in the level of repression in the country, with no cases of administrative arrests used against peaceful protesters and no arbitrary detentions of civil society and political activists.

However, the Belarusian authorities failed to completely abandon the repressive approaches to their political opponents (peaceful protesters) and continued to impose heavy fines under administrative procedures. As before, political parties and NGOs cannot receive state registration. There were facts of harassment of independent journalists, human rights defenders and civil society activists.

Human rights groups say that Belarus fails to demonstrate any changes in the field of human rights, especially at the legislative level.

Thus, the current campaign opened against a better, but by no means favorable, domestic political background as compared to the beginning of last year's presidential election.

## **ANNOUNCEMENT OF ELECTIONS AND ADMINISTRATION OF THE ELECTORAL PROCESS**

According to the Belarusian Constitution (Arts. 84, 91) and the Electoral Code (Art. 56), "elections to the House of Representatives of the new convocation are appointed by the President of the Republic of Belarus not later than four months and held no later than 30 days prior to the expiration of the powers of the House of Representatives of the current convocation".

The date of elections was appointed by President's Decree No. 190, which was signed on 6 June 2016. The vote will take place on September 11. The elections to Parliament's lower house will be administered by 110 district and 6,149 precinct election commissions (including 49 commissions located abroad).

On 7 May 2016, a meeting of the Central Election Commission considered the preparation of the elections and approved guidelines for election commissions and samples of election documents.

Unlike last year, these guidelines have not been published on the CEC website, which is a clear negative trend that prevents the observers from welcoming any actual changes in the work of election commissions.

On 8 June 2016, a meeting of the Central Election Commission approved Decree No. 14 of 8 June 2016 "On the approval of the schedule of organizational measures for the preparation and holding of the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation", Decree No. 17 of 8 June 2016 "On the formation of constituencies for the elections of deputies of the House of Representatives of the National Assembly of the Republic of

Belarus of the sixth convocation”; Decree No. 18 of 8 June 2016 “On clarifying the application of the provisions of the Electoral Code of Belarus regulating the procedure of formation of election commissions during the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 19 of 8 June 2016 “On clarifying the application of the provisions of the Electoral Code of Belarus regulating the procedure of nomination of candidates for deputies by collecting signatures of voters in the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 20 of 8 June 2016 “On approval of the procedure of delegating observers in the preparation and conduct of the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation; Decree No. 21 of 8 June 2016 “On approval of the procedure of activities of foreign (international) observers in the preparation and conduct of the elections of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 22 of 8 June 2016 “On informing citizens about the work for the preparation and holding of the elections to the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 23 of 8 June 2016 “On the procedure of participation of the citizens of the Republic of Belarus located outside the Republic of Belarus in the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 24 of 8 June 2016 “On creation of additional conditions of voting by voters with disabilities during the elections of deputies of the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 29 of 8 June 2016 “On the extrabudgetary fund for additional financing of expenses for the preparation and holding of the elections of deputies the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”; Decree No. 30 of 8 June 2016 “On approval of the Decree on the electoral fund of the candidate for the House of Representatives of the National Assembly of the Republic of Belarus of the sixth convocation”.

As in the previous presidential elections, the CEC still fails to publish all of its decisions, which is questionable in terms of the principle of transparency in the electoral process.

These decisions introduced a number of new rules, which, according to the CEC members, take into account the proposals on the improvement of the electoral processes worked out by the OSCE ODIHR following the 2015 presidential election. On 12 February 2016, an interdepartmental expert group was set up to examine the OSCE ODIHR recommendations and to consider the possibilities of their implementation in the electoral process. As a result, the CEC took into account two proposals out of thirty recommendations. In particular, the CEC said that the meetings of local executive committees charged with the formation of election commissions at all levels should include the discussion of professional and political qualities of the candidates nominated to the election commissions. Moreover, in case a seat on the commission is contested by several candidates, each nominated candidate should be discussed and put on a vote separately. Furthermore, it stipulates that meetings may be attended by representatives of political parties and public associations, whose observers have been accredited by the CEC.

The approved regulations specified the rights of national and international observers. In particular, during early voting and on Election Day observers will be entitled to receive from precinct election commissions information on the number of citizens included in the voter lists and the number of citizens who have taken part in the vote. In addition, observers accredited by the corresponding district election commission will have the right to observe the transfer of protocols from precinct election commissions.

The websites of local executive committees will publish court rulings on electoral disputes, which, according to the CEC chair, meets the ODIHR recommendations and increases the transparency of the process.

It is worth noting that the most sensitive point of the election campaign, which has always sparked particular criticism of observers, namely, the procedure of the vote count, still lacks clarification either in the above-mentioned guidelines or in any of the CEC decisions. This aspect shows the CEC's unwillingness to secure a truly transparent vote count.